

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PERINI
Serial No : 10/524,001
Confirm. No : 9459
Filed : February 8, 2005
For : APPARATUS FOR...
Art Unit : 3724
Examiner : ALIE, GHASSEM
Dated : February 9, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

In response to the Examiner's Answer of December 10, 2008 Appellant hereby replies.

The Examiner's Answer states that Gambaro et al. discloses a store 12 for storing rolls 20. Appellant respectfully disagrees with this interpretation of Gambaro et al. The reference must be given a fair reading for what it teaches. A fair reading of Gambaro et al. discloses that the infeced conveyor 12 merely delivers the rolls 20 to sprocket 10. However, the infeced conveyor 12 of Gambaro et al. does not store the rolls 20 and certainly does not store or receive rolls that have already been trimmed by a trimming device.

The Examiner's Answer states that Nystrand discloses the use of a rewinding machine for producing elongated rolls. However, Nystrand provides no teaching and no suggestion for the combination of a cutting-off machine that receives trimmed rolls that have been previously cut by a trimming device. Similar to Gambaro et al., Nystrand only directs a person of ordinary

skill in the art toward cutting whole logs with a log saw 28. Nystrand fails to provide any teaching or suggestion of a cutting-off machine that cuts already trimmed rolls as claimed. A person of ordinary skill in the art would not look to the teachings of Nystrand as Gambaro et al. already discloses a device for cutting the rolls. Even if a person of ordinary skill in the art would be directed toward the disclosure of Nystrand, Nystrand does not teach or suggest that the rolls 20 are stored in a log storing element once the logs have been cut as claimed.

The Examiner's Answer states that Friden discloses a trimming device as featured in the present invention. However, Friden is absolutely void of any teaching or suggestion that the trimming device receives elongated rolls from a rewinding machine as claimed. In fact, Friden does not provide any teaching or suggestion for storing trimmed rolls in a log storing element once the rolls have been trimmed. A person of ordinary skill in the art would not look to the teachings of Friden as Gambaro et al. already discloses a cutting machine that cuts and trims logs. As such, the person of ordinary skill in the art would not be directed toward the disclosure of Friden.

The references taken as a whole fail to provide any teaching or suggestion for the combination of a trimming device that trims at least one end of each roll produced via a rewinding machine wherein the trimmed rolls are stored in a log storing element and then cut again by a cutting-off machine to form smaller rolls as claimed. Appellant has discovered this advantageously produces rolls that are of uniform length without creating a significant amount of product waste during the cutting of the rolls. Gambaro et al., Nystrand and Friden fail to disclose such advantages since the references taken as a whole only direct the person of

ordinary skill in the art toward cutting a plurality of whole logs, but the prior art references as a whole do not direct the person of ordinary skill in the art toward a cutting-off machine that cuts already trimmed logs to form smaller logs as claimed. As such, the prior art as a whole fails to establish a prima facie case of obviousness as the prior art as a whole does not teach or suggest each and every feature of the claimed combination.

As to the other points raised in the Examiner's Answer these are already addressed in Appellant's Appeal Brief of September 15, 2008.

For all the above reasons and those stated in Appellant's Appeal Brief, the Board is respectfully requested to overturn the rejections in the last Office Action.

Further action on the merits is respectfully requested.

Respectfully submitted
for Applicant,



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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.